

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REMINGTON D. WILLINGHAM,  
a/k/a REMI LeBOE

Plaintiff,

v.

KING COUNTY CORRECTIONAL  
FACILITY MENTAL HEALTH  
DEPARTMENT,

Defendant.

CASE NO. C08-60-RAJ-JPD

REPORT AND RECOMMENDATION

This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff Remington Willingham filed this action in January 2008 while he was incarcerated at the King County Correctional Facility in Seattle, Washington. On February 25, 2008, the Court issued orders granting plaintiff's application for leave to proceed *in forma pauperis* and directing that plaintiff's complaint be served on defendant. Defendant was served on February 27, 2008. On March 10, 2008, copies of the February 25 orders, which were mailed to plaintiff at the King County Correctional Facility, were returned by the post office with a notation indicating that plaintiff was no longer at the facility.

On March 14, 2008, defendant filed a notice of appearance. And, on March 21, 2008, defendant filed an answer to the complaint and a motion to dismiss this action. Defendant argues in its

REPORT AND RECOMMENDATION  
PAGE - 1

1 motion to dismiss that this action should be dismissed pursuant to Local Rule CR 41(b)(2) because  
2 plaintiff has failed to keep the court and opposing parties advised as to his current address.

3 Over sixty days have passed since mail directed to plaintiff at his address of record was  
4 returned by the post office and plaintiff has not notified the court of his current address. Accordingly,  
5 defendant's motion to dismiss should be granted and this action should be dismissed, without  
6 prejudice, for failure to prosecute pursuant to Local Rule CR 41(b)(2). A proposed order  
7 accompanies this Report and Recommendation.

8 DATED this 19th day of May, 2008.

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10 JAMES P. DONOHUE  
United States Magistrate Judge